

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 24, 2009

DIVISION ONE

B209526 Onebeacon America Insurance Co. (Certified for Publication)
v.
Fireman's Fund Insurance Company, et al.

The appeal as to National Surety Corporation is dismissed. That part of the judgment as to Insurance Company of the West setting May 24, 2002, as the starting date on which OneBeacon America Insurance Company is entitled to equitable contribution for defense costs is reversed; the trial court is directed on remand to modify the judgment to provide that OneBeacon America Insurance Company's entitlement to equitable contribution from Insurance Company of the West for the defense costs of Emma Mouren-Laurens and John Mouren-Laurens as administrator of the estate of Joseph Mouren-Laurens, Sr., starts on February 26, 1999. Those parts of the judgment as to Fireman's Fund Insurance Company setting January 16, 2002, January 31, 2002, and June 21, 2002, as the respective starting dates on which OneBeacon America Insurance Company is entitled to equitable contribution for defense costs of Mouren-Laurens Oil Company, Emma Mouren-Laurens, and John Mouren-Laurens as administrator of the estate of Joseph Mouren-Laurens, Sr., is reversed; the trial court is directed on remand to modify the judgment to provide that OneBeacon America Insurance Company's entitlement to equitable contribution from Fireman's Fund Insurance Company for the defense costs of Mouren-Laurens Oil Company, Emma Mouren-Laurens, and John Mouren-Laurens as administrator of the estate of Joseph Mouren-Laurens, Sr., starts on July 29, 1999. In all other respects the judgment is affirmed. OneBeacon America Insurance Company is entitled to its costs on appeal from Fireman's Fund Insurance Company and Insurance Company of the West.

Mallano, P.J.

We concur: Rothschild, J.
 Weisberg, J. (Assigned)

DIVISION ONE (continued)

B214596 L.H. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles County Dept of Children and Family Services, r.p.i.)

The petition for extraordinary writ is granted in part. Let a peremptory writ of mandate issue requiring respondent court to vacate its March 9, 2009, jurisdictional findings as against father under section 300, subdivisions (b) and (j). In all other respects, the petition is denied. The temporary stay order is vacated.

Rothschild, J.

We concur: Mallano, P.J.

Ferns, J. (Assigned)

B183432 People (Not for Publication)

v.

Darrell Sean Thomas, et al.

As to Thomas and Young, the enhancements imposed under Penal Code section 186.22, subdivision (b)(1), and Penal Code section 12022.53, subdivision (e)(1), are reversed. The judgments are modified to provide concurrent sentences as to Thomas on counts 14 and 22 and as to Young on counts 14 and 23. In all other respects, their judgments of conviction are affirmed. The clerk of the court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections and Rehabilitation. As to Gresham, the judgment is reversed.

Jackson, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

June 24, 2009 (Continued)

DIVISION ONE (continued)

B206792 The Post House, Inc. (Not for Publication)
 v.
 North Chandler Assoiates et al.

The judgment is reversed and remanded. Appellant shall recover its costs on appeal.

Miller, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B206501 Supervalu
 v.
 Wexford Underwriting Manages Inc.

Filed order modifying opinion. (No change in the judgment)

B203315 Baker
 v.
 Nawn et al.

Filed order denying petition for rehearing.

DIVISION THREE

B209061 People (Not for Publication)
v.
Imankhwaja Askari

The judgment is reversed with directions to the trial court to conduct an in camera inspection consistent with the opinions expressed herein. If the trial court's inspection on remand reveals no discoverable information, the trial court must reinstate the original judgment and sentence. If the inspection reveals discoverable information, the trial court shall order disclosure of the names, addresses, and telephone numbers of individuals who have witnessed, or have previously filed complaints about, similar misconduct, i.e., falsifying police reports, planting evidence, or perjury; allow appellant an opportunity to demonstrate prejudice; and order a new trial if there is a reasonable probability the outcome would have been different if the information had been disclosed. If appellant is unable to demonstrate prejudice, the judgment and sentence must be reinstated.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B207455 People (Not for Publication)
v.
Jerry McDonnell

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B210821 James Crawford (Certified for Publication)
 v.
 City of Los Angeles, et al.

The judgment is reversed as to the dismissal of counts 4 through 6 as being barred by POBRA's one-year statute of limitations (§ 3304, subd. (d)), and the matter is remanded to the trial court to determine whether those claims are supported by the administrative record. Parties shall bear their own costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B211158 People (Not for Publication)
 v.
 B.H.

The juvenile court is ordered to modify the minute order dated July 23, 2008, to reflect that in probation condition 8, minor is to perform 50 hours of community service, and strike the three-year maximum period of confinement. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION FIVE (continued)

B211053 People (Not for Publication)
v.
J.P.

The finding in count 1 that appellant committed robbery of C. is modified to reflect a finding of attempted robbery of C. in violation of sections 664 and 211. The term of commitment for the robbery of D. in count 3 is stayed pursuant to section 654; the stay to become permanent upon completion of the term in count 5 for attempted carjacking in violation of sections 664 and 215, subdivision (a). The matter is remanded for an express declaration pursuant to Welfare and Institutions Code section 702 whether the offenses of making criminal threats in counts 2 and 4 are misdemeanors or felonies and recalculation of the maximum period of physical confinement. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B208332 Head Over Heels, Inc., et al., (Not for Publication)
v.
Salibian Enterprises, Inc., et al.,

The judgment is affirmed. Defendants are awarded their costs on appeal.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION SIX

B199645 Michael Ray Linthicum et al. (Certified for Publication)
v.
John Locke Butterfield et al.

The case is remanded for the trial court to specify the width of the roadway easement. The judgment in favor of the Bjorklunds on Linthicum's second cause of action is reversed. In all other respects, the judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B196754 Employers Insurance of Wausau (Not for Publication)
v.
Neal Feay Company

The judgment is affirmed. Respondent(s) to recover costs.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B213667 People (Not for Publication)
v.
Upton

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (continued)

B210851 Ventura Co. Human Services Agency (Not for Publication)
 v.
 S.S., et al.

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B205538 People
 v.
 Smith

Filed order denying petition for rehearing.

DIVISION SEVEN

B207877 Jaime Aviles dba Flower Patch (Not for Publication)
 v.
 Jeannie, Inc. et al.

The orders are reversed. Plaintiff to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

June 24, 2009 (Continued)

DIVISION SEVEN (continued)

B207125 People (Not for Publication)
v.
Allen

The judgment is affirmed.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B203832 Fakhoury (Not for Publication)
v.
EurOrient Financial Group, Ltd., et al.

The judgment as to Ron Nechemia is reversed; the judgment as to EurOrient Financial Group, Ltd., EurOrient Investment/Merchant Banking Group and EurOrient Group, Ltd. is modified to exclude the award of \$165,412 for punitive damages; and the matter remanded for further proceedings not inconsistent with this opinion. Ron Nechemia is to recover his costs on appeal. The other parties are to bear their own costs.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Bendix, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

Each of the following:

B201448 Tyson v. Bergantino
B202341 Steven M. Kramer & Associate v. Nance
B205668 People v. Jones
B207616 People v. Moore
B207279 People v. Pensado
B209068 People v. E.M.
B210525 People v. Padron
B211735 DCFS v. T.C.
B211880 DCFS v. G.S.
B211991 DCFS v. J.M.

Argument waived, cause submitted.

B210155 Los Angeles County, D.C.F.S.
 v.
 S.M.,

Appearances:

Lori Fields for appellant and no appearance by respondent. Argument waived, cause submitted.

Court recessed.

Court reconvened at 9:30 a.m.

Present: Rubin, Acting P.J., Bigelow, J., Bendix, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B200017 People
 v.
 Darrell Cathren

Merits:

Argued by Thomas T. Ono for appellant and Marc Kohm, Deputy Attorney General, appearing for respondent. Cause submitted.

Court recessed.

DIVISION EIGHT (continued)

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Bendix, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B208252 Kalski
 v.
 Michael Antonovich, et al.,

Merits:

Argued by Steven Kalski, appellant appearing in propria persona; by Jeffrey Hausman for cross-appellants Michael Antonovich et al.; and by Ira L. Gottlieb for respondent California Association Professional Employees. Cause submitted.

Bigelow, J. left the bench.

B198592 People
 v.
 Cory Robinson
 Brandale R. Robinson

Merits:

Argued by Neil Rosenbaum for appellant Cory Robinson; by Chris Redburn for appellant Brandale Robinson; and by David Glassman, Deputy Attorney General, for respondent. Cause submitted.

B213784 Oddone
 v.
 Superior Court, Los Angeles County
 (Technicolor, Inc., r.p.i.)

Oral argument continued to August 24, 2009, at 9:00 a.m.

Court adjourned

June 24, 2009 (Continued)

DIVISION EIGHT (continued)

B206213 Barba (Not for Publication)
v.
Anderson-Mota

For the reasons set forth above, the order imposing sanctions against Motamedi is affirmed. Respondents shall recover their appellate costs.

Rubin, Acting P.J.

We concur: Flier, J.
Bauer, J. (Assigned)

B209858 Altman
v.
Azrilyan et al.

B215009 Altman
v.
Metrostate Financial and Real Estate Corporation

Filed order consolidating above captioned appeals.